

1 Dennis L. Wilson (Bar No. 155407)  
dwilson@kmwlaw.com  
2 David K. Caplan (Bar No. 181174)  
dcaplan@kmwlaw.com  
3 Christopher T. Varas (Bar No. 257080)  
cvaras@kmwlaw.com  
4 KEATS McFARLAND & WILSON LLP  
9720 Wilshire Boulevard  
5 Penthouse Suite  
Beverly Hills, California 90212  
6 Telephone: (310) 248-3830  
Facsimile: (310) 860-0363  
7

8 Attorneys for Plaintiff  
Summit Entertainment, LLC  
9

10  
11 UNITED STATES DISTRICT COURT  
12 CENTRAL DISTRICT OF CALIFORNIA  
13 WESTERN DIVISION

14 SUMMIT ENTERTAINMENT, LLC, a  
15 Delaware limited liability company,

16 Plaintiff,

17 v.

18 JANE DOE, an individual,

19 Defendant.

Case No. **CV10-1510 SJO/VBK**  
**COMPLAINT FOR FEDERAL**  
**COPYRIGHT INFRINGEMENT**  
**(17 U.S.C. §§ 501 et seq.)**

**DEMAND FOR JURY TRIAL**

**COPY**

CLERK U.S. DISTRICT COURT  
CENTRAL DISTRICT CALIF.  
LOS ANGELES

BY \_\_\_\_\_

2010 MAR - 1 PM 2:49

**FILED**

COMPLAINT

1 Plaintiff, Summit Entertainment, LLC (“Summit” or “Plaintiff”), through its  
2 attorneys, complaining of Defendant JANE DOE, alleges as follows:

3 **JURISDICTION AND VENUE**

4 1. This Court has jurisdiction over this matter pursuant to 17 U.S.C. § 501,  
5 28 U.S.C. § 1331, and § 1338(a). Venue in this district is proper pursuant to 28  
6 U.S.C. § 1391(b)(2).

7 2. This Court has personal jurisdiction over Defendant because she has  
8 committed tortious acts that she knew or should have known would cause injury to  
9 Summit in this District.

10 **THE PARTIES**

11 3. Summit is a limited liability company organized and existing under the  
12 laws of the State of Delaware, having its principal place of business in Santa Monica,  
13 California.

14 4. Summit owns rights in and to the feature film “The Twilight Saga:  
15 Eclipse”, including all images and elements contained therein (the “Film”). The Film,  
16 including without limitation the images contained therein, is entitled to protection  
17 under federal copyright law.

18 5. Summit is currently unaware of Defendant Jane Doe’s true identity, and  
19 therefore sues Defendant by such fictitious acronym. Summit is informed and  
20 believes that discovery will reveal Defendant’s true identity, and will amend this  
21 Complaint to identify Defendant by name after her identity is discovered. Upon  
22 information and belief, Defendant uses various Internet-related aliases, including the  
23 Google email address [delaney83@gmail.com](mailto:delaney83@gmail.com) and the handles “delaney84” and  
24 “delaneyg84” on Internet sites including without limitation a Livejournal.com blog  
25 and Twitter.

26 **SUMMIT’S RIGHTS AND DEFENDANT’S UNLAWFUL CONDUCT**

27 6. During the course of production of the Film, promotional still  
28 photographs (the “Photographs”) were created for the purpose of marketing,

advertising and promoting the release and distribution of the Film. Summit is the owner of the Photographs, including without limitation the copyrights therein. Summit intends to release some or all of the Photographs to the public at a time and date to be determined by Summit. Summit has applied on an expedited basis for federal copyright registration of the Photographs.

7. Upon information and belief, Defendant has infringed Summit's rights in the Film and the Photographs by reproducing and distributing unauthorized copies of a number of the Photographs, including without limitation by uploading those Photographs to the Internet site Twitpic.com for distribution via Internet messaging service Twitter.com, and also by uploading those Photographs to the Internet site LiveJournal.com. Upon information and belief, Defendant began reproducing and distributing the Photographs on or about February 14, 2010.

8. Defendant's reproduction and distribution of copies of the Photographs has been without authorization and is without Plaintiff's consent. Defendant has acted with willful and intentional disregard of Plaintiff's copyrights and Plaintiff has sustained substantial damage as a result thereof.

## **CLAIM FOR RELIEF**

## **(Federal Copyright Infringement)**

[17 U.S.C. §§ 501 et seq.]

9. Summit realleges and incorporates each of the foregoing paragraphs of this Complaint as though fully set forth herein.

10. At all relevant times, Summit has owned the rights, titles, and interest in and to the Film and the Photographs.

11. Plaintiff has complied in all respects with Title 17 of the United States Code, and in compliance with the law has applied on an expedited basis to the Register of Copyrights for appropriate certificates of registration for the Photographs.

12. Defendant has willfully and intentionally infringed Plaintiff's rights, including its copyrights, by reproducing and distributing, without Plaintiff's consent,

unauthorized copies of the Photographs.

13. Plaintiff has no adequate remedy at law. The said conduct of Defendant has caused and, if not enjoined, will continue to cause irreparable damage to the rights of Plaintiff.

14. As a result of Defendant's wrongful conduct, Plaintiff is entitled to injunctive relief and damages in an amount to be proven at trial.

## **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff demands judgment against the Defendant as follows:

1. That a Temporary Restraining Order, Preliminary Injunction, and permanent injunction be issued enjoining and restraining Defendant and her agents, servants, employees and attorneys and all those acting in active concert or participation with her, from:

- A. Using, reproducing, distributing, selling or offering for sale, any reproduction, counterfeit, or copy of the Photographs or other Summit images or films; and
  - B. Effecting assignments or transfers, forming new entities or associations or utilizing any other device for the purpose of circumventing or otherwise avoiding the prohibitions set forth herein.

2. That the Court order Defendant to deliver to Plaintiff, at Defendant's cost, all hard copy and electronic infringing copies of the Photographs and any other images or films owned by Plaintiff, or any portions or modifications thereof, within her possession, custody or control, pursuant to an appropriate protocol for identifying and retrieving all infringing electronically stored information within Defendant's possession, custody or control.

3. That Plaintiff be awarded damages for Defendant's copyright infringement as: (i) Defendant's profits derived from her unlawful infringement of

1 Plaintiff's copyrighted works; or (ii) statutory damages for each act of infringement in  
2 an amount provided by law, as set forth in 17 U.S.C. § 504, at Plaintiff's election  
3 before the entry of a final judgment, together with prejudgment and post-judgment  
4 interest;

5 4. That Defendant account for and pay over to Plaintiff profits realized by  
6 Defendant by reason of Defendant's unlawful acts herein alleged and that those profits  
7 be increased as provided by law;

8 5. That the Court award Plaintiff its costs of suit incurred herein, including  
9 its attorneys' fees as provided by the Copyright Act;

10 //

11 //

12 //

13 //

14 //

15 //

16 //

17 //

18 //

19 //

20 //

21 //

22 //

23 //

24 //

25 //

26 //

27 //

28 //

6. That this Court retain jurisdiction of this action for the purpose of enabling Plaintiff to apply to the Court at any time for such further orders and interpretation or execution of any order entered in this action, for the modification of any such order, for the enforcement or compliance therewith and for the punishment of any violations thereof;

7. That the Court grant Plaintiff such other and further relief as it deems just and equitable to make Plaintiff whole for the damage caused by Defendant.

Dated: March 1, 2010

By:   
Dennis L. Wilson  
Keats McFarland & Wilson LLP  
Attorneys for Plaintiff  
SUMMIT ENTERTAINMENT,  
LLC

## JURY DEMAND

Plaintiff respectfully requests a jury trial on all issues triable set forth in this Complaint.

Dated: March 1, 2010

By:   
Dennis L. Wilson  
Keats McFarland & Wilson LLP  
Attorneys for Plaintiff  
SUMMIT ENTERTAINMENT,  
LLC

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY**

This case has been assigned to District Judge S. James Otero and the assigned discovery Magistrate Judge is Victor B. Kenton.

The case number on all documents filed with the Court should read as follows:

**CV10 - 1510 SJO (VBKx)**

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

**NOTICE TO COUNSEL**

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

Subsequent documents must be filed at the following location:

Western Division  
312 N. Spring St., Rm. G-8  
Los Angeles, CA 90012

Southern Division  
411 West Fourth St., Rm. 1-053  
Santa Ana, CA 92701-4516

Eastern Division  
3470 Twelfth St., Rm. 134  
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

Dennis L. Wilson (SBN 155407) dwilson@kmwlaw.com  
David K. Caplan (SBN 181174) dcaplan@kmwlaw.com  
Christopher T. Varas (SBN 257080) cvaras@kmwlaw.com  
**KEATS, MCFARLAND & WILSON LLP**  
9720 Wilshire Boulevard, Penthouse Suite  
Beverly Hills, California 90212  
Telephone: (310) 248-3830  
Facsimile: (310) 860-0363

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

SUMMIT ENTERTAINMENT, LLC, a Delaware limited liability company,

CASE NUMBER

**CV10-1510 SJO VBKx**

v.

PLAINTIFF,

JANE DOE, an individual,

DEFENDANT.

**SUMMONS**

**TO:** THE ABOVE-NAMED DEFENDANT:

YOU ARE HEREBY SUMMONED and required to file with this court and serve upon plaintiff's attorneys Dennis L. Wilson, David K. Caplan and Christopher T. Varas, whose address is:

**KEATS MCFARLAND & WILSON LLP**  
9720 Wilshire Boulevard, Penthouse Suite  
Beverly Hills, California 90212  
Telephone: (310) 248-3830  
Facsimile: (310) 860-0363

an answer to the  complaint  amended complaint  counterclaim  cross-claim which is herewith served upon you within twenty-one (21) days after service of this Summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

Clerk, U. S. District Court

DATE: MAR - 1 2010

By Natalie Gonzalez  
Deputy Clerk

(Seal of the Court)

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET**

**I (a) PLAINTIFFS** (Check box if you are representing yourself )  
Summit Entertainment, LLC, a Delaware limited liability company

**DEFENDANTS**  
Jane Doe, an individual

**(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)**

Keats McFarland & Wilson LLP (SEE ATTACHMENT "A")  
9720 Wilshire Boulevard, Penthouse Suite  
Beverly Hills, California 90212; Tel.: (310) 248-3830

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an X in one box only.)

- |  |  |
|--|--|
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)   |

**III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only**  
(Place an X in one box for plaintiff and one for defendant.)

- |   |   |   |   |
|---|---|---|---|
| Citizen of This State                   | <input type="checkbox"/> PTF <input type="checkbox"/> DEF | Incorporated or Principal Place of Business in this State     | <input type="checkbox"/> PTF <input type="checkbox"/> DEF |
| Citizen of Another State                | <input type="checkbox"/> 2 <input type="checkbox"/> 2     | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 <input type="checkbox"/> 5     |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 <input type="checkbox"/> 3     | Foreign Nation  | <input type="checkbox"/> 6 <input type="checkbox"/> 6     |

**IV. ORIGIN** (Place an X in one box only.)

- |   |   |  |   |   |  |   |
|---|---|--|---|---|--|---|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from another district (specify): | <input type="checkbox"/> 6 Multi-District Litigation | <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge |
|---|---|--|---|---|--|---|

**V. REQUESTED IN COMPLAINT: JURY DEMAND:**  Yes  No (Check 'Yes' only if demanded in complaint.)

**CLASS ACTION under F.R.C.P. 23:**  Yes  No

**MONEY DEMANDED IN COMPLAINT:** \$ \_\_\_\_\_

**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)  
(17 USC §§ 501 et seq.) Federal Copyright Infringement

**VII. NATURE OF SUIT** (Place an X in one box only.)

OTHER STATUTES	CONTRACT	TORTS	TORTS	PRISONER PETITIONS	LABOR
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL PROPERTY	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 710 Fair Labor Standards Act
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 520 Habeas Corpus	<input type="checkbox"/> 720 Labor/Mgmt. Relations
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 530 General	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act
<input type="checkbox"/> 450 Commerce/ICC Rates/etc.	<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 740 Railway Labor Act
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 790 Other Labor Litigation
<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 555 Prison Condition	<input checked="" type="checkbox"/> PROPERTY RIGHTS
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle Product Liability	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 810 Selective Service	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 850 Securities/Commodities/ Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 875 Customer Challenge 12 USC 3410	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> SOCIAL SECURITY
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 445 American with Disabilities - Employment	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 891 Agricultural Act		<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 446 American with Disabilities - Other	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 892 Economic Stabilization Act		<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 660 Occupational Safety /Health	<input type="checkbox"/> 863 DIWC/DIWW (405(g))
<input type="checkbox"/> 893 Environmental Matters		<input type="checkbox"/> 463 Habeas Corpus-Alien Detainee		<input type="checkbox"/> 690 Other	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 894 Energy Allocation Act		<input type="checkbox"/> 465 Other Immigration Actions			<input type="checkbox"/> 865 RSI (405(g))
<input type="checkbox"/> 895 Freedom of Info. Act					<input type="checkbox"/> FEDERAL TAX SUITS
<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice					<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 950 Constitutionality of State Statutes					<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

CV10-1510

FOR OFFICE USE ONLY: Case Number: \_\_\_\_\_

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET**

**VIII(a). IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed?  No  Yes  
If yes, list case number(s): \_\_\_\_\_

**VIII(b). RELATED CASES:** Have any cases been previously filed in this court that are related to the present case?  No  Yes  
If yes, list case number(s): \_\_\_\_\_

**Civil cases are deemed related if a previously filed case and the present case:**

- (Check all boxes that apply)  A. Arise from the same or closely related transactions, happenings, or events; or  
 B. Call for determination of the same or substantially related or similar questions of law and fact; or  
 C. For other reasons would entail substantial duplication of labor if heard by different judges; or  
 D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

**IX. VENUE:** (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.  
 Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District: <sup>*</sup>	California County outside of this District; State, if other than California; or Foreign Country
Summit Entertainment, LLC, Los Angeles County	

- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.  
 Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District: <sup>*</sup>	California County outside of this District; State, if other than California; or Foreign Country
Jane Doe [County of Residence Unknown]	

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.  
**Note: In land condemnation cases, use the location of the tract of land involved.**

County in this District: <sup>*</sup>	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County	

\* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

**Note:** In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER): 

Date March 1, 2010

**Notice to Counsel/Parties:** The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))

**Civil Cover Sheet  
USDC, Central District of California**

**Summit Entertainment, LLC v. Jane Doe**  
**Case No. \_\_\_\_\_**

**ATTACHMENT "A"**

**1(b) Attorneys:**

Dennis L. Wilson (State Bar No. 155407)  
E-Mail: dwilson@kmwlaw.com  
David K. Caplan (State Bar No. 181174)  
E-Mail: dcaplan@kmwlaw.com  
Christopher T. Varas (State Bar No. 257080)  
E-Mail: cvaras@kmwlaw.com  
KEATS McFARLAND & WILSON LLP  
9720 Wilshire Boulevard, Penthouse Suite  
Beverly Hills, California 90212  
Telephone: (310) 248-3830  
Facsimile: (310) 860-0363

Attorneys for Plaintiff  
SUMMIT ENTERTAINMENT, LLC.